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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,424	09/25/2001	Mitsuru Yamamoto	862,C2388	6884
5514	7590	05/30/2008	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			BROWN, RUEBEN M	
30 ROCKEFELLER PLAZA			ART UNIT	PAPER NUMBER
NEW YORK, NY 10112			2623	
MAIL DATE		DELIVERY MODE		
05/30/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/961,424	YAMAMOTO, MITSURU
	<b>Examiner</b>	<b>Art Unit</b>
	REUBEN M. BROWN	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 3/5/08.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 38-47 is/are pending in the application.
- 4a) Of the above claim(s)        is/are withdrawn from consideration.
- 5) Claim(s)        is/are allowed.
- 6) Claim(s) 38-47 is/are rejected.
- 7) Claim(s)        is/are objected to.
- 8) Claim(s)        are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on        is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No.       .  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date       .
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date,       .
- 5) Notice of Informal Patent Application
- 6) Other:       .

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 38-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCissock, (U.S. PG/PUB 2006/0190966 A1), in view of McIntyre, (U.S. PG/PUB 2007/0157273 A1).

Considering claim 38, the claimed video server which is connected to a plurality of control terminals via a first transmission path and to a plurality of display terminals through a second transmission path is met by any plurality of user terminals in McCissock, for example, Fig. 2A shows a plurality of user TV equipment 88 connected to TV Distribution Facility 84/TV Program Entity 80, (TVDF). By definition, a plurality of user TV equipment 88 are connected to

the TVDF 84/ TV Program Entity 80 via a first transmission path 90, whereas a second plurality of user TV equipment 88 are connected to the TVDF 84/ TV Program Entity 80 via a second transmission path 94.

The additionally claimed, *'first reception unit configured to receive a video request from one of the plurality of control terminals via the first transmission path, wherein the video request comprises video designation data designating video data, display terminal designation data designating a display terminal on which the video data is to be displayed, and first identification data identifying a first control terminal that transmitted the video request'*, reads on the operation of McCissock that teaches a subscriber at a first user TV equipment 88 may order a gift video program for playback on a different user TV equipment 88, see Para [0096 & 0135-0138]. In particular, McCissock discloses that the gift includes the designation of the specific video, the recipient and the user's that is sending the gift, which meets claimed subject matter.

*'confirmation data transmission unit configured to transmit confirmation data to the display unit designated by the display terminal designation data via a second transmission path and to cause the display terminal to display the confirmation data'*, reads on the disclosure of McCissock that the recipient of the gift may be notified by a message over a variety of different transmission media, Para [0137]. The *'confirmation data transmission unit'*, reads on the message server 82, Para [0074-0075].

As for the further claimed feature, '*confirmation data reception unit configured to receive confirmation data from a control terminal, in response to the first confirmation data, wherein the confirmation data includes identification data of the control terminal and second confirmation data that is input using the control terminal based on the first confirmation data*',... '*comparison unit to compare*', McCissock does not disclose such a technique. Nevertheless McIntyre, which is in the same field of endeavor, provides a teaching of the acknowledgment messages for a high resolution image ordered by an original customer to be sent from a service provider 908 to a third party customer, see Fig. 12; Para [0168].

McIntyre goes on to teach that an acknowledgment message is transmitted to the original customer, subsequently the original customer places the order/request for the image using the acknowledgement message, which is then processed by the image service provider 908. It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify McCissock to provide the additional feature of the original customer placing the order from the acknowledgment message, as taught by McIntyre, at least for the added benefit of confirming a particular request.

'*video data transmission unit*' reads on the TVDF 84 of McCissock (Fig. 2A) and the service provider 908 of McIntyre, (Fig. 12).

Considering claims 39 & 44, the claimed subject matter reads on the recipient of McCissock receiving the notification message, via STB in some instances; via the Internet in

some instances; such that the particular TVDF 84 used to transmit the notification message is dependent on which TVDF 84 is designated to serve the recipient i.e., the location of the recipient.

Considering claims 40 & 45, the claimed '*reception identification data*' reads on the information in the recipient confirmation message that identifies the instant recipient of the gift, see McCissock, [0137].

Considering claims 41 & 46, the claimed feature reads on the disclosure in McCissock that the recipient notification message may be transmitted to the recipient's STB, which requires that use of the same transmission path that transmits video program to the instant STB, [0137].

Considering claims 42 & 47, McCissock does not discuss the confirmation being a '*random number*'. Official Notice is taken that associating a random number as an identification code, such as using RSA was well known in the art. It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify McCissock with the feature using a random number for the well-known advantage of using a security method to ensure only authorized terminals receive and/or display the protected video programs.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's claims.

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A) Hendricks Teaches customer ordering a gift video program fro a third party, col. 22, lines 30-35.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-7290 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REUBEN M. BROWN M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown  
/Chris Kelley/  
Supervisory Patent Examiner, Art Unit 2623